

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
12.7.807 pertaining to fishing contests)

TO: All Concerned Persons

1. On March 26, 2015, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-441 pertaining to public hearings on the proposed amendment of the above-stated rule at page 295 of the 2015 Montana Administrative Register, Issue Number 6.

2. The commission amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.7.807 PROHIBITED CONTESTS (1) Contests involving any listed species or species of concern are prohibited except for Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) or westslope cutthroat trout (*Oncorhynchus clarki lewisi*) stocked in lakes or reservoirs.

(2) All contests involving wild trout (*Salmo Oncorhynchus* or *Salvelinus*) in streams or rivers are prohibited. ~~except~~ Contests for brook trout (*Salvelinus fontinalis*) that are restricted to anglers 14 years or younger are allowed until July 17, 2017.

AUTH: 87-3-121, MCA

IMP: 87-3-121, MCA

3. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

Comment 1: The commission received one comment supporting the rule amendments.

Response 1: The commission appreciates the participation in this rulemaking process.

Comment 2: The commission received two comments opposed to the amendments and to fishing contests in general.

Response 2: Section 87-3-121, MCA, states the commission shall adopt rules to regulate contests and the rules must be based on the commission's duty to protect, preserve, and propagate fish in the state. The commission amended these rules to provide youth anglers the opportunity to fish a non-native trout species in organized fishing contests. Sufficient safeguards to mitigate potential harm still exist

through the contest permitting process.

Comment 3: The commission received one comment stating that the contests for youth fishing brook trout should sunset in two years in order to safeguard against possible unforeseen and unintended harmful consequences.

Response 3: The commission amended (2) to provide for a sunset in two years. The commission reserves the right to evaluate and amend the rules at any time within those two years.

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

/s/ William A. Schenk
William A. Schenk
Rule Reviewer

Certified to the Secretary of State July 6, 2015.